

Chairman Darrell Sanderson called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present: Dwayne Cook
 Annie Metcalf
 Charles Booe
 Charles Stewart
 Patti Cross
 Keith Lee
 David Garnett
 Joel Schrader
 Darrell Sanderson (9)

Member Absent: Sherron Jackson (1)

There being a quorum, the meeting proceeded.

Under discussion of approval of the minutes, Mr. Garnett stated the minutes of the November 20, 2006 meeting should list Chris Schimmoelloer as “she” on page 2. A motion was made by Mr. Garnett to approve the minutes of the meetings of November 30, 2006 with the above correction and December 14, 2006. The motion was seconded by Mr. Lee and carried unanimously.

A motion was made by Mr. Cook to approve the following bills for payment, including the addendum to pay PC and BZA members for 2006:

Dianna Rogers – Secretarial – PC/December	\$ 300.00
Edwin Logan – PC/December (\$700)	
Edwin Logan – BZA/December (\$550)	1,250.00
Positively Awarding (Invoice 14968)	195.00
State Journal – Advertising	186.00

The motion was seconded by Mr. Garnett and carried unanimously.

There were no Reports of Officers, Standing Committees or Special Orders.

Under Reports of Special Select Committees, Annie Metcalf stated the Communities Infrastructure Committee met on January 4, 2007 and the meeting was a good and productive meeting.

Under Staff Items, Mr. Gary Muller, City Planning Director, stated item 4 (Sam Tracey – rezoning for 1310 Devils Hollow Road) had been removed from the agenda by staff.

A motion was made by Mr. Garnett to suspend the rules to hear more than two public hearings on the agenda. The motion was seconded by Ms. Cross and carried unanimously.

The first item of business on the agenda was a request from McDowell Harrod Construction, LLC for a modification to section 3.03.03M of the Subdivision & Site Plan Regulations to allow a dead end street greater than 500 feet in length for the proposed “Kendallwood” Subdivision located on Rolling Acres Drive with the PVA map #074-00-00-028.00 & #074-00-00-027.00.

Mr. Joe Grider was present for the applicant. He stated they have a cul de sac that exceeds 500 feet. He stated it is approximately 525 feet long. Mr. Grider stated they were in agreement with the staff report. Mr. Garnett asked if the extension was for 25 feet. Mr. Grider stated if the time comes they build the second phase it won't be over 25 feet. He stated the development will be done in phases. Mr. Grider stated their ultimate layout and the first cul de sac is 525 feet long and they also want approval for a cul de sac of 1250. Mr. Edwin Logan, Commission Attorney, stated the request was not noticed in that manner.

Mr. Grider stated the request should be granted based on the zoning of the property and the boundary of the land is all they have to work with. He added it only allows room for one street and there is not enough land to lay out a grid of streets. Mr. Grider stated he felt this was the only layout you could have for this property. Mr. Grider stated this is infill development as the property all around it has been developed.

Mr. Gary Muller was present and stated he had no changes, deletions or corrections to his staff report. He stated staff recommended approval with four conditions outlined in the staff report. He requested his staff report be entered into the record. Mr. Muller stated they were not sure how phase two would be built so that is why the approval is limited to phase 1. He added they looked at a way to connect the road and didn't see a way due to the topography. Mr. Logan asked Mr. Muller in going through the alternatives would it be a technical impracticality to develop if this wasn't approved. Mr. Muller stated yes. There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Lee to approve the request with the condition the four staff conditions on page 8 of the staff report be met. The motion was seconded by Mr. Stewart and carried unanimously.

The next item of business was a public hearing text amendment request from the City of Frankfort Planning Staff for approval of a text amendment to Article 13, Section 13.11 Permit of the City of Frankfort's Zoning Ordinance. Specifically, the request is to amend the permitting section of the sign regulations by adding an expiration date for sign permits.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213 paragraph 2 to consider a text amendment as requested by the City Planning Staff.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this request.

Mr. Gary Muller requested his staff report be entered into the record. Mr. Muller stated the request was to have a six month time period for a sign to be commenced or the sign permit would become null and void. There was no one in the audience to speak in favor or in opposition.

A motion was made by Mr. Lee to close the public hearing. The motion was seconded by Mr. Garnett and carried unanimously.

A motion was made by Mr. Garnett to adopt the staff report as summary. The motion was seconded by Mr. Lee and carried unanimously.

A motion was made by Mr. Garnett to recommend approval of the text amendment to the City Commission. The motion was seconded by Mr. Lee. Under discussion, Mr. Booe requested the motion be amended that the sign have one year to commence. Mr. Garnett did not accept the amendment. The original motion was voted on and carried unanimously.

The next item of business was a public hearing request for a text amendment from the City of Frankfort Planning Staff for approval of a text amendment to Article 1, Section 1.09 (A) Provisions for Waivers and Modifications of the City of Frankfort's Zoning Ordinance. Specifically, the request is to add language specifying when a review of a modification is required by the Technical Review Team prior to the review by the Planning Commission.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213 paragraph 2 to consider a text amendment as requested by the City Planning Staff.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The secretary swore in all wishing to speak regarding this request.

Mr. Gary Muller was present for the staff report. He stated an item had come before them dealing with a daycare and it had prompted review of this

requirement. Mr. Muller stated on September 14, 2006 the Planning Commission accepted an interpretation that the Technical Review Team's review of a modification to the zoning code was not necessary when the modification did not effect the impervious surface, increase of building square footage or effected any utility easements. Therefore, staff presented an amendment to the Zoning text to clarify this situation for future projects.

Mr. Muller added on October 25, 2006 the Zoning Ordinance Update Committee discussed the item and made minor changes. The committee supports the revised proposed text amendment:

Added language: A. The request for modifications has been reviewed by the Technical Review Team when the request alters the impervious surface, building square footage, or utility easements, and their comments have been forwarded to the Planning Commission for review.

Mr. Booe was concerned on the language of the change. A motion was made by Mr. Booe to table the item and forward it back to the Zoning Ordinance Update Committee for further review. The motion was seconded by Mr. Schrader. Those voting in favor of the motion: Ms. Metcalf, Mr. Booe, Mr. Stewart, Ms. Cross, Mr. Lee, Mr. Garnett, Mr. Schrader and Mr. Sanderson. Voting against the motion was Mr. Cook. The motion carried by a vote of 8-1.

The next item of business was a public hearing request from Randy Daren Kendall, Sr. for approval of a Zone Map Amendment from Rural Residential District (RR) to Agriculture District (AG) for an approximate 67.5 acre property addressed as 6505 Flat Creek Road in Franklin County, Kentucky with the PVA map #043-00-00-004.01.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213 paragraph 1 to consider a zone map amendment as requested by Randy Daren Kendall, Sr.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this request.

Mr. Randy Kendall, Sr. was present and stated he did not know how it became RR as it has always been an agricultural farm. Mr. Kendall stated he was in agreement with the staff report.

Mr. Robert Hewitt, County Planning Director, was present for the staff report. He submitted a VITA of education and experience to be placed on file. Mr. Hewitt stated there were no changes to the staff report and requested it be accepted into

the record in lieu of additional testimony. The record was accepted into the record by Chairman Sanderson.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett and seconded by Ms. Metcalf that the public hearing be closed. The motion carried unanimously.

A motion was made by Mr. Garnett to adopt the staff report as the summary. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett to adopt staff findings 1 through 3 contained in the staff report. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett that based on the approved findings of fact and that the request is in agreement with the Comprehensive Plan a recommendation of approval be forwarded to Fiscal Court. The motion was seconded by Mr. Cook and carried unanimously.

The next item of business was a public hearing request from Zelma Nash, c/o Nancy Lovitt, POA for approval of a zone map amendment from Rural Residential (RR) to Limited Commercial (CL) for an approximate .5 acre property located at 2144 US Hwy 127 South in Franklin County, Kentucky with PVA map #051—00-00-049.00.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213 paragraph 1 to consider a zone map amendment as requested by Nancy Lovitt.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this request.

Ms. Nancy Lovitt was present and stated she was in agreement with the staff report. Ms. Lovitt submitted a Power of Attorney for the record.

Mr. Hewitt was present and requested the staff report and Power of Attorney be filed into the record in lieu of additional testimony.

Ms. Metcalf asked what water district this property was on. Mr. Hewitt stated it was on the Farmdale Water District. Mr. Hewitt stated this is infill

development and added it is the last area remaining from the farm used to develop Bentwood Subdivision.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Ms. Metcalf and seconded by Ms. Cross to close the public hearing. The motion carried unanimously.

A motion was made by Ms. Metcalf to adopt the staff report as the summary. The motion was seconded by Mr. Lee and carried unanimously.

A motion was made by Ms. Metcalf to adopt staff findings 1 through 4 as findings of fact. The motion was seconded by Mr. Garnett and carried unanimously.

A motion was made by Ms. Metcalf to recommend approval of the request to Fiscal Court based on the approved findings. The motion was seconded by Mr. Garnett and carried unanimously.

The next item of business was election of officers for 2007. The nominating committee submitted the following recommendation for officers: Dwayne Cook as Chairman; Keith Lee as Vice-Chairman; Patti Cross as Secretary-Treasurer. A motion was made by Mr. Garnett and seconded by Mr. Sanderson to accept the committee recommendation. The motion carried unanimously.

Chairman Sanderson thanked the Commission and Staff for their assistance during his Chairmanship.

A motion was made by Mr. Garnett and seconded by Mr. Sanderson to adjourn. The motion carried unanimously.

Chairman Darrell Sanderson

Recording Secretary Dianna Rogers